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THE
Capture of Aguinaldo

A REVIEW OF THE FACTS AND THE LAW

WITH SOME OBSERVATIONS ON THE QUESTION WHETHER AGUINALDO OWED ALLEGIANCE TO THE UNITED STATES BEFORE HE TOOK THE OATH

Being a Reprint of Three Letters to The Evening Post dated, respectively, March 31 and April 12, 1901, and January 17, 1902

BY

CRAMMOND KENNEDY

WASHINGTON, D. C.
McGILL & WALLACE, PRINTERS
1902

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It were just and honourable for princes being in wars together, that howsoever they prosecute their quarrels and debates by arms and acts of hostility; yea, though the wars be such as they pretend the utter ruin and overthrow of the forces and states one of another, yet they so limit their passions as they preserve two things sacred and inviolable; that is, the life and good name each of other. For the wars are no massacres and confusions; but they are the highest trials of right; when princes and states, that acknowledge no superior upon earth, shall put themselves upon the justice of God for the deciding of their controversies by such success as it shall please Him to give on either side. And as in the process of particular pleas between private men, all things ought to be ordered by the rules of civil laws; so in the proceedings of the war, nothing ought to be done against the law of nations, or the law of honour; which laws have ever pronounced these two sorts of men, the one, conspirators against the persons of princes, the other, libellers against their good fame, to be such enemies of common society as are not to be cherished, no not by enemies. For in the examples of times which were less corrupted, we find that when in the greatest heats and extremities of wars, there have been made offers of murderous and traitorous attempts against the person of a prince to the enemy, they have been not only rejected, but also revealed; and, in like manner, when dishonourable mention hath been made of a prince before an enemy prince, by some that have thought therein to please his honour, he hath showed himself, contrariwise, utterly distasted therewith, and been ready to contest for the honour of an enemy.—*Lord Bacon.*

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I do not want to say anything brutal, but, as I say, the Army feels bitterly about this business. I have no quarrel with the man who thinks that we should not at first have taken the Philippine Islands; I have no quarrel with the man who thinks a whole lot of things, but who does not say too much about it now; but all those men who have been writing and talking about this thing and keeping this warfare alive and in the field to-day—I say that I would rather see any one of these men hanged—hanged for treason—hanged for giving aid and comfort to the enemy—than see the humblest soldier in the United States Army lying dead on the field of battle.—*General Funston's speech at the Lotus Club, as cited in the Congressional Record for May 12, 1902, p. 5645.*

This act of General Funston's, approved by his superior officer, was in violation, not only of the laws of war, but of that law of hospitality which governs alike everywhere the civilized Christian or pagan wherever the light of chivalry has penetrated. He went to Aguinaldo under the pretense that he was ahungered, and Aguinaldo fed him. Was not that an act of perfidy? It violated the holy rite of hospitality which even the Oriental nations hold sacred.

In Scott's immortal romance of the Talisman, the Sultan Saladin interposes to prevent a criminal who had just committed a treacherous murder from partaking of his feast by striking off his head as he approached the banquet. "Had he murdered my father," said the Saladin to Richard Cœur de Lion, "and afterwards partaken of my bowl and cup, not a hair of his head could have been injured by me."

In this case it was not the host sparing the guest, it was not Conrad de Montserat partaking of the bowl and the cup of Saladin, but it was the guest * who had partaken of the hospitality of the host who betrayed his benefactor, and in doing it represented the United States of America in the Philippines.—*Senator Hoar, Congressional Record, May 22, 1902, p. 6183.*

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*They were coming (according to Funston's forged letters from Lacuna by which Aguinaldo had been deceived and put off his guard), not only as his "guests," but as his compatriots and reinforcements for his bodyguard."

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PREFACE.

The first and second of the letters here reprinted were published in the *Evening Post* of New York and in the *Washington Post*, from which they were copied into other journals in this country, Canada and Great Britain, shortly after the methods used by General Funston in the capture of Aguinaldo were made public. The third letter was published in the *Evening Post* after Aguinaldo and General Funston had each given a narrative of the capture in one of our monthly magazines, and was intended to present the essential facts, as stated by the chief participants themselves, in connection with the law applicable to the case. Since that time General McArthur, in his testimony before the Philippines Committee of the Senate, has assumed the responsibility of the transaction in its entirety and details,* on the ground that it was one of the deceptions frequently practiced in war, and I have addressed a letter to him, from which the following extracts are given:

* * * "I should be greatly obliged to you if you would refer me to any case in which a general officer on one side [Funston †] forged the name and used the stamped paper of a general officer on the other side [Lacuna] in the fabrication of letters purporting to be sent by the latter to his superior officer [Aguinaldo] informing him that he was sending him reinforcements and thus preparing the way for the admission of enemies, disguised as friends, to his presence for the purpose of seizing him or killing him. I put the purpose in the alternative, for, of course, the possibility of

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* "General MacArthur. * * * I might as well say here that Funston is not responsible in any way for the methods which obtained in the capture of Aguinaldo. I am the responsible man in that respect in every way and particular. * * * I know that the letter was written. It was one of the deceptions which are only practiced in war, and whatever responsibility attaches thereto I take."—Affairs in the Philippine Islands (testimony taken by the Senate Committee), p. 1890. See also p. 1982.

† General MacArthur's name should be substituted for Funston's. *Qui facit per alium facit per se.*

"I think we are bound in justice to General Funston to take the declaration of General MacArthur, that he ordered and approved everything that officer did. If that be true, we have no right to hold the subordinate responsible, however odious the act. If it turns out that still higher authority has approved the act, then it becomes still more emphatically our duty to point ont its enormity."—Senator Hoar, *Congressional Record*, May 22, 1902, p. 6182.

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detection, resistance and resulting casualties must have been considered.

"I enclose the last of the three articles and beg of you (if you will have the goodness to read it), to observe (1) that the facts are taken from General Funston's narrative as published in *Everybody's Monthly;* (2) that the disguise was as carefully thought out and elaborated as possible; and (3) that without giving warning and while being welcomed as friends, Funston's men, so disguised, opened fire on Aguinaldo's bodyguard, wounding several and killing at least one.

"Can you cite any precedent or authority in justification of such conduct? Or do you hold that the attack in disguise was not a necessary part of the plan, and was not authorized by Funston?"

I wrote this letter because of my high regard for General MacArthur (although I had not the honor of his personal acquaintance) and because (as I stated to him in my letter) I was anxious to correct any mistake I might have made, or to qualify any exaggerated statement.

I do not assume, on account of the absence of a reply to the letter, that General MacArthur is unable to cite any precedent or authority in justification of the forgeries of Lacuna's name, or of opening fire under cover of the disguise upon the bodyguard of Aguinaldo (who, by the way, had been addressed in the forgeries, which General MacArthur has endorsed, as "the Honorable President of the Philippine Republic"), or of seizing the person of the Filipino chief and exposing him to death by perfidy and violence. It were to be wished for the memory of the President who so signally rewarded the captor, and for the honor of the army to which General MacArthur and General Funston belong, that the capture, taken in its entirety and detail, had been "one of the deceptions frequently practiced in war," instead of being an act of virtual assassination, which (to use the words of Halleck) "is now deemed infamous and execrable, both in him who executes and in him who commands, encourages or rewards it.

CRAMMOND KENNEDY.

WASHINGTON, D. C., *June* 2, 1902.

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Letter No. I.

[From The Evening Post, New York, April 1, 1901.]

CAPTURE BY TREACHERY.

Mr. Crammond Kennedy Cites the Laws of War in the Case of Aguinaldo, and Proposes a Motto for Our New Flag in the Philippines.

TO THE EDITOR OF THE EVENING POST:

SIR: As the laws of war are part of the law of nations, and the conduct of our armies in the field is of international as well as national interest and concern, we need not be surprised if the manner of Aguinaldo's capture is discussed and criticised abroad even more than at home.

The newspapers of the country published a dispatch from Manila, dated March 28, giving the circumstances of the capture as told by Gen. Funston to an agent of the Associated Press. The two features of the affair which deserve and should receive attention are: (1) the forgery and transmission of letters purporting to be written by the insurgent General Lacuna to his Commander-in-Chief, Aguinaldo, and (2) the disguise of the soldiers who effected the capture.

The forged letters, purporting to come from one of his subordinate generals then in the field, were intended to put Aguinaldo off his guard and lead him to expect the arrival of Lacuna's "best company" at his headquarters. How well the forgery succeeded is told in the

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same dispatch by the agent of the Associated Press, in Aguinaldo's own words: "I should never have been taken except by a stratagem. I was completely deceived by Lacuna's forged signature."

Thus the question is raised whether such a forgery is one of the deceptions or stratagems allowed by the laws of war, and whether an act that is criminal and infamous in civil life can be regarded as conduct becoming an officer and a gentleman in the army of the United States.

The sixteenth article of the "Instructions for the Government of the United States Armies in the Field" declares that "military necessity admits of deception, but disclaims acts of perfidy." "Stratagems in war," says Gen. Halleck, in his work on international law, "are snares laid for an enemy, or deceptions, practised on him—without perfidy and consistent with good faith." Col. Davis, in his elementary treatise, which is in use at the West Point Academy, says:

No measures can be resorted to which involve a breach of good faith. * * * Deceit in the form of circulating false information, in order that it may fall into the hands of an enemy, is justifiable because it is the enemy's duty to weigh carefully the sources from which he receives intelligence.

But you must not corrupt and falsify the sources themselves. There are some things in which enemies in war may safely trust. Gen. De Wet must keep a sharp lookout when he takes a prisoner bearing a letter from the British commander to a British general in regard to a

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certain movement lest it be a *ruse de guerre*, but if Gen. De Wet gets a letter from Gen. Botha, authenticated by his signature and seal, to the effect that he has sent him one of his best companies, he need not fear that Lord Kitchener may have got hold of Botha's seal and some of his correspondence and perpetrated a forgery for the purpose of entrapping him. Or suppose that Gen. Longstreet's seal and some of his letters had fallen into Gen. Grant's hands, when he was anxious to capture Gen. Lee, can we conceive of him as using or allowing any of his officers (say Gen. Thomas or Gen. Howard) to use these materials for the forgery of a letter from Gen. Longstreet to Gen. Lee, informing him that he might expect the arrival of some picked men for a bodyguard, and then disguising them as Confederates to capture or kill him?

We now come to the second element in this affair—the disguise which was practised in aid of the forgery. According to the Associated Press dispatch, the Filipinos who were killed met their death at the hands of men disguised in the Filipino uniform, and in the pay of the United States; and Aguinaldo was bodily seized in his quarters by an ex-Tagal major, who had deserted the insurgent cause, and who had donned again the insurgent uniform, in the employ of the United States, for the particular purpose in hand.

Now, assuming that the facts as stated are true (and the Associated Press has published them as having been furnished by Gen. Funston himself), was this combination of forgery, disguise, surprise, and force allowable by

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the laws of war, or was it assassination in respect of the Filipinos who were killed ; and, if Aguinaldo also had been killed, as he readily might, would it have been "all fair," or would it have been that most atrocious of crimes, which was branded with indelible infamy, even in Scotland's bloodiest days, centuries ago, as "murder under trust"?

The Code of Instructions for the Government of the United States Armies in the Field, as we have seen, "admits of deception, but disclaims acts of perfidy."

Rule 63 of this code ordains that

troops who fight in the uniform of their enemies, without any plain, striking, and uniform mark of distinction of their own, can expect no quarter.

Rule 65 provides:

The use of the enemy's national standard, flag, or other emblem of nationality for the purpose of deceiving the enemy in battle, is an act of perfidy by which they lose all claim to the protection of the laws of war.

The reason why perfidy is under such a ban is stated in Rule 101:

While deception in war is admitted as a just and necessary means of hostility, and is consistent with honorable warfare, the common law of war allows even capital punishment for clandestine or treacherous attempts to injure an enemy, because they are so dangerous and it is so difficult to guard against them.

Perfidy makes war sheer deviltry.

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It is justly considered (Rule 117) an act of bad faith, of infamy, or fiendishness, to deceive the enemy by flags of protection. Such an act of bad faith may be good cause for refusing to respect such flags.

Such perfidy as false flags exposes hospitals to the fire of the artillery, and such perfidy as forgery would have allowed the assassination or capture of Gen. Washington by means of a letter bearing the genuine seal and the forged signature of Lafayette, and introducing to the confidence of the Commander-in-Chief his would-be captors or assassins in the guise of friends and compatriots.

Gen. Halleck, in his International Law, says:

Not unfrequently the success of a campaign, or even the termination of the war, depends upon the life of the sovereign or of the commanding general. Hence, in former times, it sometimes happened that a resolute person was induced to steal into the enemy's camp, under the cover of a disguise, and, having penetrated to the general's quarters, to surprise and kill him. Such an act is now deemed infamous and execrable, both in him who executes and in him who commands, encourages, or rewards it. * * * But we must distinguish between a treacherous murder and a surprise which is always allowable in war. A small force, under cover of night, may pass the enemy's lines, penetrate to his headquarters, surprise the general, and take him prisoner or attack and kill him. It was his duty to guard against such attacks and to prevent a surprise. Such acts are, therefore, not only justifiable, but commendable; it is the disguise and treachery which give to the deed the character of murder and assassination.

Such is the character of Funston's performance.

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Aguinaldo was bound to look out for himself to the full extent indicated by Gen. Halleck, but was under no duty and had no right to suspect for a moment that officers of the United States Army would forge a letter from one of his subordinates, and make a treacherous use of his captured seal for the purpose of putting him off his guard, and making it almost certain that he would be captured or killed by a troop of his enemies disguised as his friends. A motto for the new flag of the United States in the Philippines might be: "Funston—and Forgery."

WASHINGTON, D. C., *March* 31, 1901.

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Letter No. II.

[From The Evening Post, New York, April 12, 1901.]

CAPTURE BY TREACHERY.

To THE EDITOR OF THE EVENING POST:

SIR: Judging by the newspaper clippings and the letters I have received by mail, referring to my letter in the *Evening Post* of April 1, public interest in the capture of Aguinaldo is widespread and profound—as, indeed, it may well be, for, by appointing Gen. Funston to the position of Brigadier-General in the regular army, the President has approved the transaction, and given it a distinctive national character. He has said to the world that this is the way the United States wages war, while ostensibly engaged in the "benevolent assimilation" of so-called inferior races, and that this is the kind of military service which leads to lifelong honor and command in our regular army. It is hard for some of our good citizens to believe that the thing which Funston did "under the cover of a disguise" (to quote again the words of General Halleck) "is now deemed infamous and execrable, both in him who executes and in him who commands, encourages, or rewards it."

The communications which have been sent to me show that certain distinctions are necessary.

Gen. Funston, his officers, and men are not to be confounded with mere spies. A spy seeks information in-

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side the enemy's lines, in disguise, by means of all sorts of falsehood and deceit. His purpose is not to fight—what he needs to be is a skillful as well as a deliberate liar and cheat, for, if captured inside the enemy's lines, he is hung. Soldiers may be sent against invulnerable positions or desperate odds, but no soldier can be compelled to be a spy. "It is the disguise," says Halleck, "or false pretence, which constitutes the perfidy, and forms the essential element of the crime, which, by the laws of war, is punishable with an ignominious death." Funston and his men were guilty of this "disguise or false pretence," in common with spies, but the savage Macabebes and renegade Tagalos, who were in our pay, under Funston's command, opened fire on the Filipinos and killed and wounded some of them while disguised as Filipinos themselves.

The rule at sea, as well as on land, is that you must not open fire on the enemy except under your own colors. Grotius speaks of express and tacit faith, and of "perfidy" as a breach of either. Faith is to be placed in the uniform and the flag, and a false use of either of them constitutes the "perfidy" which is prohibited by the laws of war.

One of my critics defends the President on the ground—

"That the Filipino chief was an insurgent and was in a manner *hors de loi;*" that "he was a fugitive from justice and liable to be caught and executed for treason to the United States."

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But there can be no treason without allegiance, and Aguinaldo never owed allegiance to the United States till he took the oath.

It is questionable whether half-a-dozen intelligent Americans could have been found throughout the United States, prior to our war with Spain, who would have asserted that the allegiance of millions of human beings could be transferred to any other sovereignty by a sovreign against whom they had rebelled, and from whom, by force of arms, they had regained possession and dominion of a large part of their native land. Even if the Filipinos had been in peaceful subjection to the Spanish Government when the treaty of Paris was ratified, Spain could not have transferred their allegiance to another sovereignty without their consent. Their consent to the domination of Spain might reasonably be inferred from their long-continued peaceable submission—if such had been the fact—but not their consent to be made subjects or citizens of any other Government, at the will of Spain, or by any agreement between her and another nation to which they were not parties.

By the public law of the world the people of a colony or province are as truly a part of the state or nation as the residents of the mother country. "In the alienation of a part of the sovereignty," says Grotius, "it is also required that the part to be alienated consent to the act." "Then," says President Woolsey, speaking of the cession of inhabited territory, "if the inhabitants should resist "and reject the new sovereign, as they have an un- "doubted right to do—for who gave any state the right

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" to dispose of its inhabitants—the question now is to be " settled between the province or territory and the con- " queror."

That was the situation in a nutshell when on the 21st of December, 1898, the President issued his instructions to the Secretary of War that " the military government heretofore maintained by the United States in the city, harbor, and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory." * This was as truly a declaration of war against our former allies as the resolution of April 20, 1898, was a declaration of war against Spain—only the latter was made by Congress while the former was made on the President's own responsibility when it looked as if the treaty would be defeated in the Senate, and when it had not been taken up in the Cortes. This, of course, was met by a counter proclamation from Aguinaldo,† and from that day—early in January, 1899—war was inevitable unless one side or the other should yield.

It is therefore clear that Aguinaldo was neither a traitor nor a rebel against the United States, but a public enemy forcibly resisting the forcible annexation of his country, which forcible annexation was ordered of his own motion by the President, who, before he was tempted to undertake it, had defined and denounced it as " criminal aggression."

WASHINGTON, D. C., *April* 12, 1901.

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* Richardson's Presidents' Messages, Vol. X, 219-221.

† Report War Department, 1899, Vol. I, 76-79.

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Letter No. III.

[From The Evening Post, New York, January 29, 1902.]

Capture by Treachery—A Review of the Case of Aguinaldo—Gen. Funston's Statements—Opinions of Military Authorities.

To the Editor of The Evening Post:

Sir: Now that the captor and the captured have given the circumstances of the capture in detail to the public—Aguinaldo in the August number and Gen. Funston in the September and October numbers of *Everybody's Magazine*, a review of the case may be of service because it will be a famous precedent and because of its influence (as an example) on a race which is said to be addicted to treachery.

One of the most remarkable things in Gen. Funston's narrative is the frankness with which he tells how he induced Aguinaldo's trusted courier, Segismundo, to betray his trust and return as guide with the disguised expedition for the capture of his chief. Segismundo had been sent by Aguinaldo from Palanan with a small detachment to deliver certain dispatches to his cousin, Baldemero, Gen. Lacuna, and other Filipino officers, and when worn out with long and difficult marches and want of food, this courier and his men had been induced by a native magistrate to "come in" and surrender to the United States officer commanding the post.

Gen. Funston says (italics mine throughout):

We kept Cecilio Segismundo at the headquarters and

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I had several long talks with him, in which I finally got all the necessary information regarding the town of Palanan and the number of people with Aguinaldo. *After much persuasion* he agreed to assist in the capture of his former chief.

Gen. Funston at first suggested a soldier-like plan for this purpose to Segismundo, who at once rejected it as impracticable on account of the manner in which the approaches to his chief's headquarters were guarded.

When (says Gen. Funston) I proposed the plan that finally succeeded, the man clapped his hands together, jumped from his chair in great glee, and said it would probably succeed!

The plan was to *disguise a body of native troops in our service as insurgent soldiers, representing the reinforcements asked for by Aguinaldo, and thus gain acccess to his presence.*

The necessary American officers were to be carried along as supposed prisoners who had been captured *en route.* Any suspicions Aguinaldo might have were to be lulled by decoy letters over the *forged* signature of some insurgent chief. The whole plan (says Gen. Funston) will be best understood by a perusal of the following letter to my immediate superior, Gen. Wheaton.

In this letter the details of the plan, excepting the proposed forgeries, are given with admirable clearness. Gen. Funston suggested that the Presidente of Casiguran, an insurgent magistrate who had facilitated Segismundo's journey as Aguinaldo's courier, would supply the expedition with necessaries when it arrived at his town, all the more readily when he saw Segismundo on his return with the expected reinforcements for Aguinaldo.

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As to the native ex-insurgent officers of different ranks who were to be ostensibly in command, Gen. Funston said in this letter to Gen. Wheaton:

"It would be necessary to pay the Tagalos who go as supposed officers *pretty liberally*—of course *contingent upon success.*"

The names of the men who undertook the task on these terms were Hilario Placido, chief; Lazaro Segovia (Spaniard), captain, and two lieutenants, Dionisio Bato and Gregorio Cadhit. Their pictures are given in the magazine with Segismundo's, Funston's, and those of the other four officers of the United States army who took the part of prisoners in the expedition.

The natives who were to constitute the supposed insurgent company were eighty-one men selected from Company D, First Battalion, Macabebe Scouts. These men were chosen among the whole company because of their knowledge of the Tagalo dialect, their amenity to discipline, and their marching qualities.

The disguise was artistically perfect. The artist (Gen. Funston) describes it as follows:

The first task was to make these men look as much as possible like a band of insurgent soldiers. It would have been very unwise to put them all in insurgent uniforms, for, since the insurrection has degenerated into guerrilla warfare, the great majority of the enemy's soldiers have been dressed in the clothing of the country, so that they could be combatants or non-combatants without the necessity of undergoing any more transformation than concealing their rifles in a clump of bamboos

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To have equipped our men throughout with uniforms would have aroused suspicion because of their neatness and uniformity. Accordingly we procured twenty uniforms of the blue and white striped cotton cloth with which the insurgents were formerly clothed, the remainder being outfitted as Filipino paisanos or peasants.

Even the arms were chosen so as to make the disguise as complete as possible:

Fifty Mauser and eighteen Remington rifles *were obtained from the stock of captured arms in the Manila arsenal.* * * The balance of the rifles needed to arm the detachment were to be Krag-Jorgensens, *presumably captured from a party of Americans encountered on the trail, as will be seen later.*

This was to coincide with the presence of the five Americans as prisoners in the detachment.

So much for the disguise, under cover of which fire was afterwards opened on Aguinaldo's men and one or two of them killed.

Now as to the forgeries: It was at first proposed by Gen. Funston that Aguinaldo should be betrayed by a genuine letter sent on beforehand from one of his former officers, Natividad, with whom he was well acquainted and of whose surrender he was supposed to be ignorant. Natividad was to have been the ostensible leader of the expedition. But he had been severely wounded when in the insurgent service, and (according to Gen. Funston) did not feel physically able for the task. It may be that there was some moral impediment, and that the "benevolent assimilation" of Natividad had not been so

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complete as Segismundo's. Be that as it may, it was thought necessary to use some other name, and Gen. Lacuna's was chosen because he was one of the officers who were directed in Aguinaldo's dispatches (which had been given up by Segismundo) to send reinforcements to headquarters, and because, some time previously, while scouting with a small detachment of cavalry, Gen. Funston had surprised this same Lacuna and had captured his correspondence and stationery, including several sheets of writing paper stamped at the top with his official seal. But we must give this part of Gen. Funston's narrative in his own words, as it affords a touching example of the "benevolent assimilation" of another of our Philippine subjects:

From captured correspondence we were perfectly familiar with Lacuna's signature, and before leaving San Isidro I had had a Filipino, very expert with the pen, *imitate Lacuna's autograph at the foot of two of these sheets of paper.* Afterwards, at sea, when we had more leisure, *the letters were constructed over the bogus signature.*

One of the letters from Aguinaldo to Lacuna that had fallen into our hands had given us the information that the appointment of Lacuna to the rank of brigadier-general, made some time previously by Alejandrino, had been confirmed by the writer, Aguinaldo. Another letter to Baldemero Aguinaldo, had instructed that individual to take command of the province of Central Luzon and *send to Aguinaldo a company from each one of his subordinate commanders. This would refer to Lacuna among others, and these facts suggested the wording of the two letters.*

Then, with perfect unconsciousness, Gen. Funston says:

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The following are translations from the Spanish of the originals of the two letters [the forgeries] that *were the undoing of the slippery guerrilla chief.*

Both of these letters were ostensibly from Lacuna, and were addressed "To the Honorable President of the Philipine Republic." The first one thanked him for promotion, and said that "here in Nueva Ecija we continue without cessation the war against the hated invader." The second one, dated four days later, informed him that the ostensible writer (Lacuna) had "just received a communication from the commanding general of the Center of Luzon instructing me to send you one of my best companies. This I am doing without delay. Your commissioner, *Sr. Cecilio Segismundo, who is with me here, accompanies the command on its march to your headquarters.*" The rest of the letter explained why Hilario Placido was to be placed in command of the column, and referred to "the captain of the company" as "the indefatigable Spaniard, Lazaro Segovia, who has rendered such excellent service and who is so thoroughly addicted to our cause."

"The above letters," says Gen. Funston, "were written by Segovia, being dictated by me."

It thus appears that a Filipino imitated the signature, and a Spaniard wrote the letters on Gen. Lacuna's stamped paper, under orders and at the dictation of Gen. Funston.

The expedition landed from the *Vicksburgh* in Casiguran Bay with only a day's rations of rice, "thinking (says the General) that a full supply could be obtained

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at Casiguran. We could not bring along American food for us officers, for the obvious reason that it might arouse suspicion in the minds of the natives that we were not prisoners."

After passing a wretched night in the rain, and marching about twenty miles through water and jungle, the expedition at dark the next day, reached Casiguran, where their arrival had been announced by Segismundo, who had been sent a few hours ahead with a letter to the Alcalde. Here they remained three days as the honored guests of the town, in their disguise as Filipino soldiers, while couriers were sent forward to Aguinaldo's headquarters at Palanan with "the two decoy letters," ostensibly from Lacuna. These were followed by a third letter to Aguinaldo, informing him of "the great fatigues and hunger" his soldiers had undergone, and of the five prisoners they had captured and were bringing to headquarters. This third letter was written in Tagalo by Cadhit and signed by Hilario Placido as "chief of the column." The expedition then started on a seven days' march from Casiguran to Palanan with only three days' provisions, principally cracked corn, that being all the portable food which could be collected by the Alcalde without further delay.

After a vivid description of their hardships during five day's march, Gen. Funston says:

All of the sixth day out from Casiguran we plodded along, weak and hungry, *without a mouthful of food.* Our situation could not be regarded in any other light than serious. It was a day, too, of misgivings. Why

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had no messenger been sent out from Palanan to meet us? *Had some one been a traitor and sold us?* During all of the afternoon of that day we half expected a blast of rifle-fire from every cliff we passed under.

But Aguinaldo was completely deceived by the forgeries, and immediately sent two couriers to the column with instructions from his chief of staff, addressed to Placido, to leave their prisoners at Dinundungan. "Under no circumstances," said the order, "must they be brought here." The couriers guided the column to a place "where an old Tagalo was in charge of half-a-dozen Balugas constructing a couple of small sheds, which we were told were for the American prisoners who were not to be brought into Palanan."

What was now to be done? The men were worn out with fatigue and starvation. They could not go forward without their American officers (the ostensible prisoners), and they could not go back. So it was determined, as a last resort, to ask Aguinaldo to send them provisions, and accordingly the following letter was sent forward "at once by a Baluga furnished us by the old man":

To the Colonel and Chief of Staff, Simeon Villa:

I have received your communication, but *am unable to continue the march because of the weakened condition of the men*, as we were compelled to begin our march with but three days' food. Would it not be possible for you *to send us food at once, in order that we may appease our hunger?*

HILARIO PLACIDO,
Lieutenant-Colonel Commanding.

Dinundungan, March 22, 1901.

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"The food came early the next morning," * says Gen. Funston, "and after a hasty breakfast the march for Palanan was taken up, we Americans being left behind with ten Macabebes under a corporal."

In fact, however, the "prisoners" and their guard marched behind the column at some considerable distance, and hence were not present at the moment when the firing began.

From Gen. Funston's narrative it appears:

(1.) That "*after much persuasion*" Gen. Funston induced Aguinaldo's courier, Segismundo, to turn traitor to his chief and guide a disguised expedition back to Palanan for his capture.

(2.) That Gen. Funston induced a Filipino to forge Gen. Lacuna's signature on two separate sheets of paper, which bore the imprint of his seal, and which had been captured among his effects.

(3.) That Gen. Funston dictated to Capt. Segovia the forged communication which the latter wrote in Spanish to Aguinaldo above the forged signature of Lacuna.

(4.) That Gen. Funston disguised himself and four officers of the United States army as prisoners, and also disguised certain ex-insurgent officers, and a company of eighty-one Macabebe scouts (semi-barbarous mercenaries in the service of the United States) as insurgent Filipino soldiers, and that so disguised, they gained access to Aguinaldo's headquarters, and fired upon his body-

* **Aguinaldo says in his narrative that the food was sent the same evening.**

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guard, about twenty of whom were drawn up to receive them as friends, and killed one or more of them, and wounded two of his personal staff without disclosing the situation to them, and giving them an opportunity to surrender.

(5.) That on the morning of the day when this attack was made in disguise, the attacking party had been supplied with food and saved from starvation by Aguinaldo.

In my earlier letters, which you published on the 1st and 12th of last April, I said that on the authorities cited, the killing of a member of Aguinaldo's bodyguard, under the circumstances as then stated (which have now been confirmed by Gen. Funston), was not war, but assasination, and that the approval of his conduct by the President, as evidenced by his promotion to the rank of Brigadier General in the regular army of the United States, was nothing short of a national calamity and disgrace.

"The Honorable President of the Philippine Republic" might himself have been assassinated by these disguised emissaries of the United States. He says in his narrative that they fired at him as he stood by the window, wondering what the firing was about and giving orders to stop it. This is confirmed by Gen. Funston, who says in his narrative:

We hurried across and took command of the excited and yelling Macabebes, who were filling the air with bullets, *firing in every direction.* We Americans ran at

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once to Aguinaldo's house, and reached there just in time to take part *in the last of the scrimmage and save the lives of the prisoners from the Macabebes*, who had recognized the unfortunate dictator, and were chasing him about the room.

Referring to the moment when the Macabebes opened fire, Gen. Funston says:

At the first shots, Aguinaldo, *who did not suspect the situation*, stepped to the window and said to his men: "Stop that foolishness. Do not waste your ammunition." He evidently thought the men were firing in the air to celebrate. At this juncture, Hilario threw his arms about Aguinaldo, and bore him to the floor, saying, "You are a prisoner to the Americans." *Segovia drew his revolver and shot Villa twice and Commandante Alhambra once.*

It was under the following circumstances, as told by Gen. Funston, that the disguised savages in the pay of the United States opened fire upon their unsuspecting victims:

In the meantime, the Macabebes were crossing the river in the boat, eight at a time, and forming on the bank. All across, they were marched up to the plaza, *near Aguinaldo's house*, not more than 100 yards from the landing, and formed in line facing the fifty soldiers of Aguinaldo's escort [twenty, Aguinaldo says] *who were drawn up to receive them.* At this moment Segovia, looking out of the window, saw the Americans [the ostensible prisoners] approaching, and excusing himself for a moment, stepped out of the house and told Gregorio Cadhit *to open fire on the escort.* Gregorio yelled out in Spanish, "*Now is your time, Macabebes, give it to them.*"

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I do not need to add to the authorities cited in my first letter to the effect that while the laws of war allow deceptions and stratagems, they forbid perfidy; that the false use of the flag or the uniform of the enemy is perfidious, and that to fire on an enemy while disguised in his uniform is punishable with death. One of the most recent writers on the Law of Nations (Dr. Hannis Taylor, sometime United States Minister at Madrid), who cites and summarizes the authorities on the laws of war, says (sec. 488):

"*A false uniform or flag must be abandoned just before the delivery of fire*, and captured uniforms must have in battle some distinguishing mark." He also says (sec. 489): "Assassination, or injury by treachery, is never permissible; such methods have no place in an honorable contest of arms. If a general can be captured by a *charge*, no rule is violated. If a soldier *in uniform* breaks through the enemy's lines in battle, or even into camp, and kills the commander, his life may be sacrificed, but not as a penalty for the breach of military law. * * * The putting of a price upon an enemy's head *and the gaining of admission into his lines by false pretences or by disguises*, are, however, forbidden. * * * While an abnormal state called war opens the door to deception, it closes the door to perfidy. As the American regulations put it, "'*men do not cease to be moral beings* because battling with arms.'"

In regard to such persuasions as Gen. Funston employed to induce Segismundo to betray his chief, whatever they were, Dr. Taylor says (sec. 493): "It is unlawful to incite the enemy's soldiers to desert or to be-

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tray their cause, just as it is to encourage crime of any kind in the enemy's country."

Another recent writer (Sir Sherston Baker) says that "all agree that we have no right to attempt to tamper with the fidelity of an enemy's officer or soldier."

Perfidy breeds perfidy, and although the Filipinos have not yet taken to forgery and disguise as a means of gaining access to headquarters and capturing our generals or assassinating their bodyguards, there is no telling how soon they may try to follow our example. A worse example we could hardly have given, involving as it did the subornation of Segismundo's treason by "much persuasion"; the forgery of letters from Lacuna for the purpose of making Aguinaldo receive his enemies as friends; the use of the Filipino uniform as a disguise "to gain access to his presence"; the attack of our savage mercenaries while so disguised, on his bodyguard, in the moment of friendly welcome, and on the very day when food which he had furnished had saved them from starvation.

Instead of being "the highest trial of right," war, so conducted, would inevitably degenerate into sheer anarchy and promiscuous slaughter.

The officer who has been made a brigadier-general in the regular army of the United States for the success which attended his violations of the laws of war has returned from the Philippines, but the President who promoted him, and so set the seal of national approval on his conduct, has himself been murdered while holding out his hand in friendly welcome to a lawless assassin.

WASHINGTON, D. C., *January* 17, 1902.

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